

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

C.C.M.S. d/b/a COMMUNITY COUNSELING AND
MEDIATION SERVICES,

Plaintiff,

-vs-

OXFORD REALTY & HOLDINGS LLC, WEST 27TH ST.
REALTY, INC. MARC PATURET, JOSEPH GRILL, MAXIME
TOUTON, F. MICHAEL CONTE, NIGEL SHAMASH, and other
similarly situated BOARD MEMBERS OF WEST 27TH ST.
REALTY, INC.,

Defendants.

**DECLARATION
OF MICHAEL J. CASE
IN SUPPORT OF MOTION FOR
SUMMARY JUDGMENT**

Case No.: 1:20-cv-03429 (NRB)

MICHAEL J. CASE, hereby declares under penalty of perjury as follows:

1. I am an attorney admitted to practice law in, *inter alia*, the Courts of the State of New York and the U.S. District Court for the Southern District of New York, and am a partner with the law firm of BARCLAY DAMON LLP, attorneys for defendant MARC PATURET (“Paturet”). As such, and based upon my handling of this matter, I am fully familiar with the facts set forth in this declaration.

2. I submit this declaration in support of the motion by Marc Paturet for summary judgment dismissing all counts of the Complaint of plaintiff C.C.M.S. d/b/a Community Counseling and Mediation Services (“CCMS”) asserted against Paturet, pursuant to FRCP 56.

3. A true and accurate copy of the Complaint in this action date May 5, 2020, is annexed hereto **Exhibit A**. This document also appears in the ECF docket as ECF Document 1.

4. A true and accurate copy of the July 31, 2020 Answer filed by, *inter alia*, Marc Paturet, in response to the Complaint is annexed hereto as **Exhibit B** [ECF Document 33];

5. A true and accurate copy of the transcript of the December 8, 2022 deposition of Emory Brooks is annexed hereto as **Exhibit C**.

6. A true and accurate copy of the transcript of the December 20, 2022 deposition of Nigel Shamash is attached hereto as **Exhibit D**.

7. A true and accurate copy of the transcript of the January 4, 2023 deposition of Michael Conte is attached hereto as **Exhibit E**.

8. A true and accurate copy of the transcript of the February 15, 2023 deposition of Joseph Grill is attached hereto as **Exhibit F**.

9. A true and accurate copy of the transcript of the March 3, 2023 deposition of Maxime Touton is attached hereto as **Exhibit G**.

10. A true and accurate copy of the transcript of the March 28, 2023 deposition of Peter Lehr is attached hereto as **Exhibit H**.

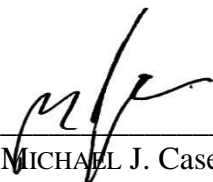
11. For the reasons set forth in the accompanying Memorandum of Law in Support of motion by Marc Paturet for Summary Judgment, the accompanying Declaration of Marc Paturet dated June 15, 2023, the annexed exhibits and the papers submitted in the parallel Motion for Summary Judgment filed by defendants Joseph Grill, Maxime Touton, F. Michael Conte and the Board Members of West 27th Street Realty Inc. (collectively, the “Board”), Marc Paturet respectfully requests that this Court issue an order

(a) granting summary judgment against plaintiff and in favor of defendant

Paturet on all counts of the Complaint as asserted against Paturet; and

(b) granting such other and further relief as this Court deems proper.

Dated: New York, New York
June 30, 2023



MICHAEL J. Case